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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH LEE TAYLOR,

Plaintiff,

v.

UNKNOWN,

Defendant.

No. 2:21-cv-0831-EFB P

ORDER

Kenneth Lee Taylor is a state prisoner proceeding without counsel. This action was opened in the United States District Court for the Northern District of California when Mr. Taylor submitted to that court a letter addressed to the Honorable Jon S. Tigar that concerned unsafe prison conditions. ECF No. 1. The Northern District transferred the action to this court because the conditions of which Mr. Taylor complained arose at the California Health Care Facility, which is in this district. ECF No. 7.

Mr. Taylor has not properly commenced a civil action. A complaint is necessary for the commencement of a civil action. Fed. R. Civ. P. 3. A complaint must contain a short and plain statement of the plaintiff's claim, showing that he is entitled to relief. Fed. R. Civ. P. 8. It must also contain a caption including the names of all defendants. Fed. R. Civ. P. 10(a). Mr. Taylor may draft his claims on the form complaint used by this court.

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1 In addition, a plaintiff must pay the \$402 filing fee required by 28 U.S.C. § 1914(a) or
2 request leave to proceed in forma pauperis and submit the affidavit and trust account statement
3 required by 28 U.S.C. § 1915(a). Section 1915(a)(2) requires “a prisoner seeking to bring a civil
4 action without prepayment of fees or security therefor, in addition to filing the affidavit filed
5 under paragraph (1), shall submit a certified copy of the trust fund account statement (or
6 institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing
7 of the complaint . . . , obtained from the appropriate official of each prison at which the prisoner
8 is or was confined.” To proceed with a civil action, Mr. Taylor must either pay the filing fee or
9 comply with the requirements set forth in the in forma pauperis statute.

10 Until Mr. Taylor submits a complaint and either pays the filing fee or meets the
11 requirements of 28 U.S.C. § 1915(a), there simply is no case before the court.


12 Accordingly, it hereby is ORDERED that:

13 1. The Clerk of the Court shall send to Mr. Taylor the form complaint and application for
14 leave to proceed in forma pauperis used in this court;

15 2. Within 30 days from the date of service of this order, Mr. Taylor shall either pay the
16 \$402 filing fee or submit a complete application for leave to proceed in forma pauperis; and

17 3. Within 30 days from the date of service of this order, Mr. Taylor shall submit a
18 complaint stating the nature of the action and his belief that he is entitled to redress. Failure to
19 comply with this order may result in dismissal.

20 DATED: May 11, 2021.

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22 EDMUND F. BRENNAN
23 UNITED STATES MAGISTRATE JUDGE
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